

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CLEOTHER TIDWELL,

Plaintiff,

v.

C/O KEIFER,

Defendant.

Case No. 21-cv-1378-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

Plaintiff Cleother Tidwell, an inmate of the Illinois Department of Corrections who is currently incarcerated at Menard Correctional Center (“Menard”), brings this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 for constitutional deprivations that occurred at Menard (Doc. 1). He does not indicate how Correctional Officer Keifer violated his rights, only that he wants to file a lawsuit but is hesitant for fear that Keifer will retaliate against him (*Id.* at p. 1). He originally filed this action in the United States District Court for the Northern District of Illinois on October 21, 2021. *See Tidwell v. Keifer*, Case No. 21-cv-5662. Because venue was improper, the action was transferred to this federal judicial district pursuant to 28 U.S.C. § 1406(a) on November 3, 2021 (Doc. 3). This matter is now before the Court for case management.

Plaintiff is a restricted filer in this District, and this Court would not have allowed him to file the instant Complaint here. *See Tidwell v. Menard C.C.*, No. 16-cv-00384-SMY (Doc. 43). The subject filing ban was imposed on August 10, 2017:

Cleother Tidwell is **SANCTIONED** with a \$500 fine, to be paid before any other civil litigation will be filed. This fine is in addition to any other filing fees owed to this District. The Clerk of Court is **DIRECTED** to return all civil pleadings unfiled until the sanction is paid, and all habeas corpus filings will be summarily dismissed thirty days after filing, unless otherwise ordered by the Court. Documents submitted in connection with an appeal are excluded from the sanction.

(Doc. 43, p. 7). The filing ban remains in place.¹ Pursuant to that ban, the Clerk of Court will return unfiled any civil pleadings that Plaintiff attempts to file in this District.

Plaintiff's decision to file his Complaint in the Northern District of Illinois was not even arguably proper, as none of the facts or parties have the slightest connection to that jurisdiction. Instead, this represents the latest in a long line of attempts to avoid the filing restriction here despite repeated warnings. He has attempted this on at least six (6) prior occasions. *See Tidwell v. Kink*, No. 18-cv-00959-DRH (Western District of Louisiana); *Tidwell v. John/Jane Does*, No. 18-cv-01181-NJR (Northern District of New York); *Tidwell v. Kink*, No. 18-cv-01691-MJR (Southern District of West Virginia); *Tidwell v. Cunningham*, No. 18-cv-01448-SMY (Northern District of Texas); *Tidwell v. Dunlap*, No. 18-cv-02008-NJR (Southern District of West Virginia); and *Tidwell v. Hopkins*, No. 19-cv-239-NJR (Eastern District of Tennessee). Plaintiff's filing ban has been extended, and on several occasions he has been sanctioned in \$500 increments.

Like those before it, this case also shall be administratively closed. To further deter Tidwell from similar misconduct, this Court will impose an *additional* \$500 sanction. Tidwell stands **WARNED** that further attempts to avoid the filing ban now in effect in

¹ Despite the filing ban that is currently in effect in this District, the Clerk of Court correctly opened this case because a judge in the transferor district signed an order transferring it to this District. *Hall v. Stone*, 170 F.3d 706, 708 (7th Cir. 1999) ("Even an invalid judicial order must be obeyed until it is stayed or set aside on appeal.").

this District shall result in increasingly harsh sanctions that include, but are not limited to, monetary fines.

Disposition

The Court **DIRECTS** the Clerk of Court to **ADMINISTRATEVLY CLOSE** this case. No filing fee shall be assessed.

IT IS HEREBY ORDERED that Cleother Tidwell is **SANCTIONED** with an additional **\$500** fine, to be paid before any other civil litigation will be filed. This fine is in addition to any other filing fees and/or sanctions owed to this Court. Tidwell is **WARNED** that future efforts to evade the filing ban shall result in the imposition of additional monetary and/or other sanctions.

IT IS SO ORDERED.

DATED: November 5, 2021

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a faint circular seal of the United States District Court for the District of Texas, Eastern District of Texas.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge